

**IC 25-22.5**

**ARTICLE 22.5. PHYSICIANS**

**IC 25-22.5-1**

**Chapter 1. Definitions and Exclusions**

**IC 25-22.5-1-1 Repealed**

(Repealed by Acts 1978, P.L.8, SEC.14.)

**IC 25-22.5-1-1.1 Definitions**

Sec. 1.1. As used in this article:

(a) "Practice of medicine or osteopathic medicine" means any one (1) or a combination of the following:

(1) Holding oneself out to the public as being engaged in:

(A) the diagnosis, treatment, correction, or prevention of any disease, ailment, defect, injury, infirmity, deformity, pain, or other condition of human beings;

(B) the suggestion, recommendation, or prescription or administration of any form of treatment, without limitation;

(C) the performing of any kind of surgical operation upon a human being, including tattooing, except for tattooing (as defined in IC 35-42-2-7), in which human tissue is cut, burned, or vaporized by the use of any mechanical means, laser, or ionizing radiation, or the penetration of the skin or body orifice by any means, for the intended palliation, relief, or cure; or

(D) the prevention of any physical, mental, or functional ailment or defect of any person.

(2) The maintenance of an office or a place of business for the reception, examination, or treatment of persons suffering from disease, ailment, defect, injury, infirmity, deformity, pain, or other conditions of body or mind.

(3) Attaching the designation "doctor of medicine", "M.D.", "doctor of osteopathy", "D.O.", "osteopathic medical physician", "physician", "surgeon", or "physician and surgeon", either alone or in connection with other words, or any other words or abbreviations to a name, indicating or inducing others to believe that the person is engaged in the practice of medicine or osteopathic medicine (as defined in this section).

(4) Providing diagnostic or treatment services to a person in Indiana when the diagnostic or treatment services:

(A) are transmitted through electronic communications; and

(B) are on a regular, routine, and non-episodic basis or under an oral or written agreement to regularly provide medical services.

In addition to the exceptions described in section 2 of this chapter, a nonresident physician who is located outside Indiana does not practice medicine or osteopathy in Indiana by providing a second opinion to a licensee or diagnostic or treatment services to a patient in Indiana following medical care originally provided to the patient while outside Indiana.

(b) "Board" refers to the medical licensing board of Indiana.

(c) "Diagnose or diagnosis" means to examine a patient, parts of a patient's body, substances taken or removed from a patient's body, or materials produced by a patient's body to determine the source or nature of a disease or other physical or mental condition, or to hold oneself out or represent that a person is a physician and is so examining a patient. It is not necessary that the examination be made in the presence of the patient; it may be made on information supplied either directly or indirectly by the patient.

(d) "Drug or medicine" means any medicine, compound, or chemical or biological preparation intended for internal or external use of humans, and all substances intended to be used for the diagnosis, cure, mitigation, or prevention of diseases or abnormalities of humans, which are recognized in the latest editions published of the United States Pharmacopoeia or National Formulary, or otherwise established as a drug or medicine.

(e) "Licensee" means any individual holding a valid unlimited license issued by the board under this article.

(f) "Prescribe or prescription" means to direct, order, or designate the use of or manner of using a drug, medicine, or treatment, by spoken or written words or other means.

(g) "Physician" means any person who holds the degree of doctor of medicine or doctor of osteopathy or its equivalent and who holds a valid unlimited license to practice medicine or osteopathic medicine in Indiana.

(h) "Medical school" means a nationally accredited college of medicine or of osteopathic medicine approved by the board.

(i) "Physician's assistant" means an individual who:

(1) is an employee of a physician;

(2) is a graduate of a physician's assistant training program approved by the board;

(3) has successfully completed the national examination administered by the national commission on the certification of physician's assistants; and

(4) has registered with the board.

(j) "Bureau" refers to the health professions bureau under IC 25-1-5.

As added by Acts 1978, P.L.8, SEC.13. Amended by Acts 1981, P.L.222, SEC.151; P.L.247-1985, SEC.1; P.L.169-1985, SEC.62; P.L.217-1993, SEC.2; P.L.180-1996, SEC.1; P.L.181-1997, SEC.1.

#### **IC 25-22.5-1-1.2 Additional definitions**

Sec. 1.2. As used in this article:

"Nursing school" includes a hospital nursing school, a nursing program, and a nursing department of an institution of higher education. This shall include two (2), three (3), and four (4) year programs of nursing education.

"Shortage area" is an area in which there is a less than adequate supply of physicians or nurses relative to the need for nursing or physician services.

As added by Acts 1981, P.L.227, SEC.1. Amended by P.L.247-1985, SEC.2.

#### **IC 25-22.5-1-2 Exclusions**

Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:

(1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.

(2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.

(3) A paramedic (as defined in IC 16-18-2-266), an advanced emergency medical technician (as defined in IC 16-18-2-6), an emergency medical technician (as defined in IC 16-18-2-112), or a person with equivalent certification from another state who renders advanced life support (as defined in IC 16-18-2-7) or basic life support (as defined in IC 16-18-2-33.5):

(A) during a disaster emergency declared by the governor under IC 10-4-1-7 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-41-1-26.5); and

(B) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

(4) Commissioned medical officers or medical service officers of the armed forces of the United States, the United States Public Health Service, and medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana.

(5) An individual who is not a licensee who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in for consultation by an individual licensed to practice medicine or osteopathic medicine in Indiana.

(6) A person administering a domestic or family remedy to a member of the person's family.

(7) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a physician.

(8) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).

(9) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the direction and supervision of the chiropractor under IC 25-10-1-13.

(10) A dental hygienist practicing the dental hygienist's profession under IC 25-13.

(11) A dentist practicing the dentist's profession under IC 25-14.

(12) A hearing aid dealer practicing the hearing aid dealer's profession under IC 25-20.

(13) A nurse practicing the nurse's profession under IC 25-23. However, a registered nurse may administer anesthesia if the registered nurse acts under the direction of and in the immediate presence of a physician and holds a certificate of completion of a course in anesthesia approved by the American Association of Nurse Anesthetists or a course approved by the board.

(14) An optometrist practicing the optometrist's profession under IC 25-24.

(15) A pharmacist practicing the pharmacist's profession under IC 25-26.

(16) A physical therapist practicing the physical therapist's profession under IC 25-27.

(17) A podiatrist practicing the podiatrist's profession under IC 25-29.

(18) A psychologist practicing the psychologist's profession under IC 25-33.

(19) A speech-language pathologist or audiologist practicing the pathologist's or audiologist's profession under IC 25-35.6.

(20) An employee of a physician or group of physicians who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing physician or group of physicians, if the act, duty, or function is performed under the direction and supervision of the employing physician or a physician of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing physician or the physician of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing physician or a physician of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (9) through (18), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.

(21) A hospital licensed under IC 16-21 or IC 12-25.

(22) A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or institutions licensed or legally authorized by this state to provide health care or professional services as:

(A) a physician;

(B) a psychiatric hospital;

(C) a hospital;

- (D) a health maintenance organization or limited service health maintenance organization;
- (E) a health facility;
- (F) a dentist;
- (G) a registered or licensed practical nurse;
- (H) a midwife;
- (I) an optometrist;
- (J) a podiatrist;
- (K) a chiropractor;
- (L) a physical therapist; or
- (M) a psychologist.

(23) A physician assistant practicing the physician assistant's profession under IC 25-27.5.

(24) A physician providing medical treatment under IC 25-22.5-1-2.1.

(25) An attendant who provides care services as defined in IC 16-27-1-0.5.

(26) A personal services attendant providing authorized attendant care services under IC 12-10-17.

(b) A person described in subsection (a)(9) through (a)(18) is not excluded from the application of this article if:

- (1) the person performs an act that an Indiana statute does not authorize the person to perform; and
- (2) the act qualifies in whole or in part as the practice of medicine or osteopathic medicine.

(c) An employment or other contractual relationship between an entity described in subsection (a)(21) through (a)(22) and a licensed physician does not constitute the unlawful practice of medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed physician. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of medicine or osteopathic medicine.

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21. A physician licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19-11 through IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of medicine under this chapter.

(e) A person described in subsection (a)(8) shall not be authorized to dispense contraceptives or birth control devices. (Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1977, P.L.273, SEC.2; P.L.244-1985, SEC.2; P.L.149-1987, SEC.50; P.L.156-1988, SEC.1; P.L.237-1989, SEC.1; P.L.1-1990, SEC.253; P.L.2-1992, SEC.776; P.L.2-1993, SEC.141; P.L.227-1993, SEC.10; P.L.227-1995, SEC.1; P.L.1-1998, SEC.132; P.L.44-1998, SEC.1; P.L.156-2001, SEC.6; P.L.255-2001, SEC.17.

#### **IC 25-22.5-1-2.1 Experimental or nonconventional treatment; protocols for treatment**

Sec. 2.1. (a) An individual who consents under IC 34-18-12 may receive any experimental or nonconventional medical treatment if:

- (1) a licensed physician has personally examined the individual and agrees to treat the individual;
- (2) there is no reasonable basis to conclude that the medical treatment, when administered as directed, poses an unreasonable and significant risk of danger to the individual receiving the medical treatment; and
- (3) the physician has provided the individual with a written statement and an oral explanation of the medical treatment that the individual has acknowledged by the individual's signature or the signature of the individual's legal representative and that discloses the following:

(A) That the medical treatment is experimental or nonconventional.

(B) That the drug or medical device has not been approved by the United States Food and Drug Administration for any indication.

(C) The material risks generally recognized by a reasonably prudent physician of the medical treatment's side effects.

(b) If the medical treatment is to be provided on an inpatient or outpatient basis at a hospital licensed under IC 16-21, then that type of treatment must have been approved by the governing board of the hospital or by a committee of the hospital authorized by the governing board to approve the types of experimental or nonconventional medical treatments that may be provided at the hospital on an inpatient or outpatient basis.

(c) The medical licensing board shall develop protocols for medical treatments that are provided in a setting other than the inpatient or outpatient hospital setting specified in subsection (b). A physician who fails to comply with a protocol developed under this subsection shall be subject to discipline by the medical licensing board.

(d) This section does not require any person or organization to provide an individual with access to a medical treatment not otherwise commercially available to that individual.

(e) This section does not require:

- (1) an insurer;
- (2) a fraternal benefit society;
- (3) a nonprofit corporation;
- (4) a health maintenance organization (as defined in IC 27-13-1-19);
- (5) a preferred provider arrangement under IC 27-8-11; or
- (6) a limited service health maintenance organization (as defined in IC 27-13-34-4);

to provide coverage or make payment beyond the terms and conditions of the contract for medical treatment authorized under this

section.

As added by P.L.44-1998, SEC.2. Amended by P.L.49-1999, SEC.1.

## **IC 25-22.5-2**

### **Chapter 2. Creation of Medical Licensing Board**

#### **IC 25-22.5-2-1 Creation and membership**

Sec. 1. The medical licensing board of Indiana is created. It shall consist of seven (7) members, not more than four (4) of whom shall be members of the same political party. The members shall be appointed by the governor, and all vacancies occurring on the board shall be filled by the governor. The membership of the board shall consist of the following:

- (1) Five (5) reputable physicians who:
  - (A) are graduates of a medical school;
  - (B) hold the degree of doctor of medicine or its equivalent; and
  - (C) hold valid unlimited licenses to practice medicine in Indiana;shall serve for terms of four (4) years each.
- (2) One (1) reputable osteopathic physician who:
  - (A) is a graduate of an accredited osteopathic medical school;
  - (B) holds the degree of doctor of osteopathy or its equivalent; and
  - (C) holds a valid unlimited license to practice osteopathic medicine in Indiana;shall serve for a term of four (4) years.
- (3) One (1) member to serve a term of four (4) years who:
  - (A) will represent the general public;
  - (B) is a resident of this state; and
  - (C) is in no way associated with the medical profession other than as a consumer.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1981, P.L.222, SEC.152; P.L.247-1985, SEC.3.

#### **IC 25-22.5-2-2 Meetings and election of officers; quorum**

Sec. 2. The board shall have regular meetings called upon the request of the president or a majority of the board for the transaction of business as may properly come before it under this article. At the first meeting of the board in each calendar year, the board shall organize by the election of a president and any other officers considered necessary by the board. Four (4) members of the board constitute a quorum. A majority of the quorum may transact business.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by P.L.247-1985, SEC.4; P.L.152-1988, SEC.14.

#### **IC 25-22.5-2-3 Per diem and expenses**

Sec. 3. Per Diem and Expenses. For their services, the members shall receive the per diem as is generally paid to similar boards and agencies of the state, and the traveling expenses necessarily incurred in their attendance upon the business of the board.

(Formerly: Acts 1975, P.L.271, SEC.1.)

#### **IC 25-22.5-2-4 Secretary of the board**

Sec. 4. The service bureau shall keep a record of all licenses, permits, and applications for licensure or permit. This record must contain all the facts set forth in the application, including the action of the board thereon.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1981, P.L.222, SEC.153; P.L.247-1985, SEC.5.

#### **IC 25-22.5-2-5 Registration and penalty fees; funds; disposition; expenses of board**

Sec. 5. The funds obtained from registration and penalty fees shall, upon receipt thereof, be accounted for and paid over by the service bureau to the treasurer of state and be placed in the general fund of the state. The expenses of the board shall be paid from the general fund upon appropriation being made therefor in the manner required by law for the making of such appropriations. The amount to be expended by the board shall not exceed the amount collected by the board from all sources.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by P.L.247-1985, SEC.6.

#### **IC 25-22.5-2-6 Repealed**

(Repealed by Acts 1981, P.L.222, SEC.296.)

#### **IC 25-22.5-2-7 Powers and duties**

Sec. 7. The board shall do the following:

- (1) Adopt rules and forms necessary to implement this article that concern, but are not limited to, the following areas:
  - (A) Qualification by education, residence, citizenship, training, and character for admission to an examination for licensure or by endorsement for licensure.
  - (B) The examination for licensure.
  - (C) The license or permit.

- (D) Fees for examination, permit, licensure, and registration.
  - (E) Reinstatement of licenses and permits.
  - (F) Payment of costs in disciplinary proceedings conducted by the board.
  - (2) Administer oaths in matters relating to the discharge of its official duties.
  - (3) Enforce this article and assign service bureau personnel duties as may be necessary in the discharge of the board's duty.
  - (4) Maintain, through the service bureau, full and complete records of all applicants for licensure or permit and of all licenses and permits issued.
  - (5) Make available, upon request, the complete schedule of minimum requirements for licensure or permit.
  - (6) Issue, at the board's discretion, a temporary permit to an applicant for the interim from the date of application until the next regular meeting of the board.
  - (7) Issue an unlimited license, a limited license, or a temporary medical permit, depending upon the qualifications of the applicant, to any applicant who successfully fulfills all of the requirements of this article.
  - (8) Adopt rules establishing standards for the competent practice of medicine, osteopathic medicine, or any other form of practice regulated by a limited license or permit issued under this article.
  - (9) Adopt rules regarding the appropriate prescribing of Schedule III or Schedule IV controlled substances for the purpose of weight reduction or to control obesity.
- (Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1981, P.L.222, SEC.154; P.L.247-1985, SEC.7; P.L.177-1997, SEC.2.

#### **IC 25-22.5-3**

##### **Chapter 3. Licensure Requirements**

#### **IC 25-22.5-3-1 Minimum requirements**

- Sec. 1. (a) The minimum requirements for all applicants for an unlimited license to practice medicine or osteopathic medicine in Indiana must include but are not limited to the requirements prescribed by this section.
- (b) The applicant must not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently.
  - (c) The applicant shall possess the degree of doctor of medicine or doctor of osteopathy or its equivalent from a medical school which was approved by the board as of the time the degree was conferred.
  - (d) The applicant shall have successfully passed the examination for licensure or shall have satisfied the requirements for licensure by endorsement as prescribed by the board.
  - (e) The applicant shall be physically and mentally capable of, and professionally competent to, safely engage in the practice of medicine or osteopathic medicine as determined by the board and shall submit:
    - (1) to an examination; or
    - (2) additional evidence to the board;if considered necessary by the board to determine such capability. In making that determination, the board may consider any malpractice settlements or judgments against the applicant.
  - (f) The applicant shall not have had disciplinary action taken against the applicant or the applicant's license by the board or by the licensing agency of any other state or jurisdiction by reasons of the applicant's inability to safely practice medicine or osteopathic medicine and those reasons are still valid in the opinion of the board.
  - (g) The applicant shall have submitted a complete transcript of his educational records, grades, and diploma from his medical school with an English translation thereof.
  - (h) The applicant shall, at the board's discretion, make a personal appearance before it.
  - (i) The applicant shall have completed one (1) year of postgraduate training in a hospital or institution located in the United States, its possessions, or Canada that meets standards set by the board under IC 25-22.5-2-7.
- (Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1981, P.L.222, SEC.155; Acts 1982, P.L.113, SEC.56; P.L.247-1985, SEC.8; P.L.149-1987, SEC.51.

#### **IC 25-22.5-3-2 Foreign medical graduates**

- Sec. 2. (a) In addition to meeting all the requirements of section 1 of this chapter except subsection (i), an applicant for licensure who:
- (1) has been graduated from a medical school outside the United States, its possessions, or Canada; and
  - (2) submits evidence satisfactory to the board that prior to passing the examination the applicant has successfully completed a minimum of at least two (2) years of postgraduate training in a hospital or an institution located in the United States or Canada which meets the standards approved by the nationally recognized medical or osteopathic accrediting bodies in the United States, for the purpose of graduate training which is approved by the board;
- is entitled to receive an unlimited license to practice medicine or osteopathic medicine.
- (b) Notwithstanding subsection (a), the board may waive the second year of postgraduate training in the United States or Canada required of a graduate of a foreign medical school.
- (Formerly: Acts 1975, P.L.271, SEC.1.) As amended by P.L.247-1985, SEC.9; P.L.156-1986, SEC.1; P.L.242-1995, SEC.1.

#### **IC 25-22.5-4**

##### **Chapter 4. Examinations**

#### **IC 25-22.5-4-1 Guidelines**

Sec. 1. (a) The board shall:

(1) adopt rules concerning examinations;

(2) prepare and give, or approve the preparation and giving of, an examination which covers those general subjects and topics, a knowledge of which is commonly and generally required, in the opinion of the board, to practice medicine or osteopathic medicine in Indiana; and

(3) permit a student of an accredited school of medicine to take the examination for licensure if:

(A) the student submits an application to the board to take the examination before the application deadline set by the board; and

(B) the dean of the school certifies that the student is expected to graduate before the results of the examination are published by the board.

(b) Examinations must be:

(1) given in a way that persons grading the papers will have no knowledge of the identity of an individual being examined; and

(2) conducted at least semiannually, if there are applicants.

(c) An applicant must achieve a passing score on the examination to qualify for licensure.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1982, P.L.113, SEC.57; P.L.247-1985, SEC.10; P.L.149-1987, SEC.52.

#### **IC 25-22.5-4-2 Procedure**

Sec. 2. If any applicant fails to satisfactorily pass the examination for licensure, the applicant is entitled to take not more than two (2) subsequent examinations at other examination periods within nineteen (19) months from the date of the first examination upon the payment of an additional examination fee each time. The board may establish additional requirements under IC 25-22.5-2-7 for those applicants who, after having failed the examination three (3) or more times, wish to take another examination.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by P.L.247-1985, SEC.11.

#### **IC 25-22.5-5**

##### **Chapter 5. Licenses and Permits**

#### **IC 25-22.5-5-1 Licenses with examination**

Sec. 1. Licenses with Examination. Any applicant who successfully passes the examination provided in chapter 4, and who meets all of the requirements of chapter 3, is entitled to be registered as a physician and to receive an unlimited license to practice medicine or osteopathic medicine.

(Formerly: Acts 1975, P.L.271, SEC.1.)

#### **IC 25-22.5-5-2 Licenses without examination**

Sec. 2. (a) The board in its discretion may register as a physician and may issue by endorsement an unlimited license to practice medicine or osteopathic medicine to any applicant who has:

(1) complied with the minimum requirements of IC 25-22.5-3; and

(2) passed an examination:

(A) for licensure in another state or territory of the United States, or Canada; or

(B) given by a recognized certifying agency approved by the board;

if that examination was, in the opinion of the board, equivalent in every respect to Indiana's examination at the time it was taken.

(b) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure under this section if:

(1) the applicant has been disciplined by an administrative agency in another state or jurisdiction; and

(2) the board determines that the violation for which the applicant was disciplined has a direct bearing on the applicant's ability to practice competently as a physician in Indiana.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by P.L.149-1987, SEC.53; P.L.33-1993, SEC.28.

#### **IC 25-22.5-5-2.5 Unlimited and probationary licenses; refusal to license; removal of limitation**

Sec. 2.5. (a) The board may:

(1) refuse to issue a license;

(2) issue an unlimited license; or

(3) issue a probationary license to an applicant for licensure by examination or endorsement;

if the applicant has had a license revoked under this chapter and is applying for a new license after the expiration of the period prescribed by IC 25-1-9-12.

(b) When issuing a probationary license under this section, the board may require the individual holding the license to perform any of the following acts as a condition for the issuance of a probationary license:

(1) Submit a regular report to the board concerning matters that are the basis of probation.

(2) Limit the practice of the individual to the areas prescribed by the board.

(3) Continue or renew the individual's professional education.

(4) Perform or refrain from performing acts, as the board considers appropriate to the public interest or the rehabilitation of the

individual.

(5) Engage in community restitution or service without compensation for a number of hours specified by the board.

(6) Any combination of these conditions.

(c) If the board determines following a hearing that the deficiency requiring disciplinary action concerning the individual has been remedied, the board shall remove any limitation placed on the individual's license under subsection (b).

As added by P.L.152-1988, SEC.15. Amended by P.L.33-1993, SEC.29; P.L.32-2000, SEC.13.

#### **IC 25-22.5-5-3 Waiver of requirements**

Sec. 3. The board, in certain exceptional instances, may waive for limited licenses, temporary medical permits, or final licensure any of the provisions of this article, including fee requirements, if a complete evaluation by the board of the applicant's previous training, education, and practice determines them to equal or exceed the requirements of this article.  
(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by P.L.247-1985, SEC.12.

#### **IC 25-22.5-5-4 Temporary medical permits**

Sec. 4. (a) The board may authorize the service bureau to issue temporary medical permits for the practice of medicine or osteopathic medicine. When a temporary medical permit is issued, it is subject to any termination date specified by the board. A temporary medical permit may be issued to any person who:

(1) has completed the academic requirements for the degree of doctor of medicine or doctor of osteopathy from a medical school approved by the board; and

(2) desires to obtain postgraduate medical education or training in a medical education institution or hospital located in Indiana which has standards for postgraduate medical education and training satisfactory to the board;  
is required to obtain a temporary medical permit unless the graduate possesses an unlimited license to practice medicine or osteopathic medicine in Indiana. Application for the permit must be made to the board subject to this article. A temporary medical permit issued to a person under this subsection for purposes of postgraduate training is valid for a period of one (1) year and may be renewed for additional one (1) year periods at the discretion of the board.

(b) A medical educational institution located in Indiana which has standards satisfactory to the board may, in the board's discretion, secure from it a permit for a person in the active practice of medicine outside the state of Indiana or the United States, but who is not licensed in Indiana, to teach medicine in the institution for an annually renewable period not to exceed one (1) year by filing with the board an application by the institution and the person certifying:

(1) the person's professional qualifications;

(2) the term of the teaching appointment;

(3) the medical subjects to be taught; and

(4) other information and assurances as the board may require.

If the application is approved, the person is entitled to receive a "temporary medical teaching permit" which authorizes the person to teach medicine in the applicant institution for a stated period not to exceed one (1) year. This permit must be kept in the possession of the institution and surrendered by it to the board for cancellation within thirty (30) days after the person has ceased teaching in the institution. The permit authorizes the person to practice in the institution only and, in the course of teaching, to practice those medical or osteopathic medical acts as are usually and customarily performed by a physician teaching in a medical educational institution, but does not authorize the person to practice medicine or osteopathic medicine otherwise.

(c) Any medical educational institution in this state which authorizes or permits a physician to violate this article or which itself violates this section may, in the discretion of the board, be disqualified from further receiving the benefits of this section.

(d) The board may authorize the issuance of a temporary medical permit to a person who will be taking in Indiana for the first time the examination or portion of the examination required by the board. A temporary medical permit holder under this subsection shall work under the supervision of a licensed physician, who is in good standing with the board, until the results of the examination taken by the permit holder are published by the board. If the holder of a temporary medical permit under this subsection fails the examination, the board may reissue a temporary medical permit to the holder upon conditions, and for a period of time, that the board considers appropriate.

(e) A person who holds a valid license to practice medicine or osteopathic medicine in the United States, its possessions, or Canada, and who is seeking licensure by endorsement, may be issued a temporary medical permit by the service bureau upon the authorization of the board. A temporary medical permit issued under this subsection is valid for ninety (90) days or for a period considered appropriate by the board.

(f) A person who is licensed to practice medicine or osteopathic medicine by any board or licensing agency of another state or jurisdiction, and who meets the requirements established by the board under IC 25-22.5-2-7, may be issued a temporary medical permit limited by terms and conditions considered appropriate by the board. A temporary medical permit issued under this subsection is valid for a nonrenewable period of no more than thirty (30) days.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by P.L.247-1985, SEC.13.

#### **IC 25-22.5-5-5 Repealed**

(Repealed by P.L.185-1993, SEC.15.)

**IC 25-22.5-5-6 Eye enucleators; corneal excision technicians; registration; training programs**

Sec. 6. (a) The board shall register as an eye enucleator an individual who qualifies for registration under rules adopted by the board under IC 25-22.5-2-7. An applicant for registration as an eye enucleator must submit evidence that the applicant has successfully completed a training program in the enucleation of eyes approved by the board. To be approved, a training program must:

- (1) be taught by one (1) or more surgeons or physicians;
- (2) include instruction and practice in:
  - (A) anatomy and physiology of the eye;
  - (B) the maintenance of a sterile field during the removal of an eye; and
  - (C) the use of appropriate instruments and sterile procedures for removing the eye; and
- (3) comply with rules adopted by the board under IC 25-22.5-2-7.

Registration of an eye enucleator under this section does not qualify the eye enucleator to remove corneas or corneal tissue.

(b) The board shall register as a corneal excision technician a person who qualifies for registration under rules adopted by the board under IC 25-22.5-2-7. An applicant for registration as a corneal excision technician must submit evidence that the applicant has successfully completed a training program in corneal excision approved by the board. To be approved, a training program must:

- (1) be taught by one (1) or more surgeons or physicians;
- (2) include instruction and practice in:
  - (A) the anatomy and physiology of the eye;
  - (B) maintenance of a sterile field during the removal of a cornea, an eye, or part of an eye; and
  - (C) the use of appropriate instruments and sterile procedures for removing a cornea, an eye, or part of an eye; and
- (3) comply with rules adopted by the board under IC 25-22.5-2-7.

A corneal excision technician registered under this section may remove an eye, part of an eye, a cornea, and corneal tissue.

(c) The board may revoke a registration issued under this section upon a showing of good cause for revocation.

(d) The board shall adopt rules under IC 25-22.5-2-7 to implement this section.

As added by P.L.36-1993, SEC.3.

**IC 25-22.5-6****Chapter 6. Discipline; Retirement of Licenses****IC 25-22.5-6-1 Retirement and surrender; inactive status**

Sec. 1. (a) Any physician licensed to practice medicine or osteopathic medicine in this state who intends to retire from practice shall notify the board in writing of his intention to retire and shall surrender his license to practice to the board. Upon receipt of this notice and license, the board shall record the fact that the physician is retired and excuse the person from further payment of registration fees. If any physician surrenders his license to practice medicine or osteopathic medicine in this state, reinstatement of the license may be considered by the board upon written request. The board may impose any conditions it considers appropriate to the surrender or to the reinstatement of a surrendered license. If any disciplinary proceedings under this chapter are pending against a physician, he may not surrender his license to practice without the written approval of the board.

(b) Any physician licensed to practice medicine or osteopathic medicine in this state who intends to become inactive in the practice of medicine shall notify the board in writing that:

- (1) he will not maintain an office or practice; and
- (2) if he does render a service that constitutes the practice of medicine, he will not charge a fee for that service.

The board shall then classify the physician's license as inactive. The renewal fee of the inactive license is one-half (1/2) of the registration fee. If a physician holding an inactive license intends to maintain an office or practice or charge a fee for his medical services, he shall notify the board of the intent to reactivate a license to practice medicine or osteopathy. Upon notification and receipt of the regular registration fee for a physician's license, the board shall reinstate that physician's license.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1979, P.L.246, SEC.1; P.L.247-1985, SEC.15.

**IC 25-22.5-6-2 Repealed**

(Repealed by Acts 1981, P.L.222, SEC.296.)

**IC 25-22.5-6-2.1 Repealed**

(Repealed by P.L.152-1988, SEC.30.)

**IC 25-22.5-6-3 Immunity from civil liability**

Sec. 3. The executive director and staff of the health professions service bureau, counsel, investigators, hearing officers, and the board members are immune from civil liability for damages for conduct within the scope and arising out of the performance of their duties.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1977, P.L.172, SEC.28; Acts 1981, P.L.222, SEC.157; P.L.247-1985, SEC.17.



#### **IC 25-22.5-6-4 Injunctions**

Sec. 4. Injunctions. In cases where the continued practice of medicine by an accused is considered harmful to the public or himself, the board may sue to enjoin the accused from practicing medicine or osteopathic medicine until the hearing, provided in section 3 of this chapter, is completed and a decision rendered.  
(Formerly: Acts 1975, P.L.271, SEC.1.)

#### **IC 25-22.5-7**

##### **Chapter 7. Registration Fees**

#### **IC 25-22.5-7-1 Expiration of licenses; renewal fee; reinstatement of invalid licenses; rules**

Sec. 1. (a) A license issued under this article expires on June 30 of each odd-numbered year. Before June 30 of an odd-numbered year, an applicant for renewal shall pay the biennial renewal fee set by the board under IC 25-22.5-2-7.

(b) If the holder of a license does not renew the license by June 30 of each odd-numbered year, the license expires and becomes invalid without any action taken by the board. A license that becomes invalid under this subsection may be reinstated by the board up to three (3) years after the invalidation if the holder of the invalid license pays:

- (1) the penalty fee set by the board under IC 25-22.5-2-7; and
- (2) the renewal fee for the biennium.

(c) If a license that becomes invalid under this section is not reinstated by the board within three (3) years of its invalidation, the holder of the invalid license may be required by the board to take an examination for competence before the board will reinstate the holder's license.

(d) The board may adopt rules under IC 25-22.5-2-7 establishing requirements for the reinstatement of a lapsed license.  
(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1979, P.L.246, SEC.3; P.L.247-1985, SEC.18; P.L.149-1987, SEC.55.

#### **IC 25-22.5-8**

##### **Chapter 8. Penalties**

#### **IC 25-22.5-8-1 Unlawful Practice**

Sec. 1. Unlawful Practice. It is unlawful for any person to practice medicine or osteopathic medicine in this state without holding a license or permit to do so, as provided in this article.  
(Formerly: Acts 1975, P.L.271, SEC.1.)

#### **IC 25-22.5-8-2 Offenses**

Sec. 2. (a) A person who violates this article by unlawfully practicing medicine or osteopathic medicine commits a Class C felony.

(b) A person who practices midwifery without the license required under this article commits a Class D felony.

(c) A person who acts as a physician's assistant without registering with the board as required under this article commits a Class D felony.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2541; P.L.247-1985, SEC.19.

#### **IC 25-22.5-8-3 Violations; temporary permits**

Sec. 3. A person who violates this article relating to temporary medical permits, if the violation does not involve the unlawful practice of medicine or osteopathic medicine, commits a Class C misdemeanor.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2542; P.L.247-1985, SEC.20.

#### **IC 25-22.5-8-4 Injunctions**

Sec. 4. Injunctions. The attorney general, prosecuting attorney, the board or any citizen of any county where any person engages in the practice of medicine or osteopathic medicine without a license or a permit to do so, may, according to the laws of Indiana governing injunctions, maintain an action in the name of the state of Indiana to enjoin the person from engaging in the practice of medicine or osteopathic medicine. In charging any person in an affidavit, information or indictment, with a violation of this law by practicing medicine or osteopathic medicine without a license or permit, it is sufficient to charge that he did, upon a certain day and in a certain county, engage in the unlawful practice of medicine or osteopathic medicine and that he did not have any license or permit to do so. No further or more particular fact need be averred concerning the matter.

(Formerly: Acts 1975, P.L.271, SEC.1.)

#### **IC 25-22.5-9 Repealed**

(Repealed by P.L.199-1987, SEC.2.)

#### **IC 25-22.5-10**

##### **Chapter 10. Osteopathic Residency Training and Certification**

#### **IC 25-22.5-10-1 Residency training and board certification required by health provider or insurer**

Sec. 1. If:

- (1) a hospital;
- (2) a health maintenance organization issued a certificate of authority under IC 27-13;
- (3) a preferred provider organization licensed under IC 27-8-11;
- (4) a health insurance company; or
- (5) any other similarly licensed entity;

requires a physician to be residency trained, board certified, or eligible for certification in a medical specialty, it shall include residency training or certification approved by a national association founded in 1897 that accredits residency training programs and certifying boards for osteopathic physicians as criteria that satisfy the requirement.

As added by P.L.182-1997, SEC.1.

## **IC 25-1-8**

### **Chapter 8. Occupational and Professional Licensure, Registration, and Certification Fees**

#### **IC 25-1-8-6 Reinstatement of delinquent or lapsed license**

Sec. 6. (a) As used in this section, "board" has the meaning set forth in IC 25-1-4-0.3.

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the health professions bureau.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board for the current renewal period.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder shall provide the board

with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board for the current renewal period.

(5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.

(6) Any other requirement that is provided for in statute or rule that is not related to fees.

As added by P.L.269-2001, SEC.5.

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